

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	
MICHELLE LOSCALZO,	:
	:
Plaintiff,	:
	:
- against -	:
	:
NEW ROC MOTORCYCLES, LLC	:
Defendant.	:
	:
	:
	:
-----X	

**Case No.: 07 CIV 3046
(CLB)**

**AMENDED NOTICE OF
MOTION
BY DEFENDANT
FOR PARTIAL
SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that upon the accompanying Statement of Undisputed Material Facts pursuant to Local Rule 56.1, the Affidavit of Patricia Massa, sworn to December 7, 2007, the Affidavit of John Meskunas, sworn to on December 7, 2007, the Declaration of Mary Ellen Donnelly, dated December 7, 2007, the accompanying Memorandum of Law, dated December 7, 2007, and all of the Exhibits submitted herewith, including Plaintiff's Amended Complaint; Defendant, New Roc Motorcycles, LLC, will move this Court at the United States Courthouse, 300 Quarropas Street, White Plains, New York, on January 25, 2008, at 10:00 a.m., or as soon thereafter as counsel can be heard, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting Defendant's partial summary judgment with respect to all the claims of retaliation asserted against it by Plaintiff Michelle Loscalzo, and for such other and further relief as to the Court seems just and proper in circumstances.

Dated: New York, New York
December 11, 2007

Respectfully submitted,

PUTNEY, TWOMBLY, HALL & HIRSON LLP

By: _____/s/_____

Mary Ellen Donnelly (MD 4936)

521 Fifth Avenue

New York, New York 10175

(212) 682-0020

Attorneys for Defendant,

New Roc Motorcycles, LLC

To: Jeffrey Bernbach, Esq.
Bernbach Law Firm PLLC
245 Main Street, 5th Floor
White Plains, NY 10601
(914) 428-9100
Attorneys for Plaintiff
Michelle Loscalzo

CERTIFICATE OF SERVICE

The undersigned, a member of the Bar of this Court, hereby certifies that she caused a true and accurate copy of the forgoing Amended Notice of Motion by Defendant for Partial Summary Judgment to be served via electronic filing and overnight mail on December 11, 2007 upon:

Jeffrey M. Bernbach
Attorney for Plaintiff
245 Main Street, 5th Floor
White Plains, New York, NY 10601

_____/s/_____
Mary Ellen Donnelly (MD 4396)
PUTNEY, TWOMBLY HALL & HIRSON, LLP
Attorneys for Defendant,
NewRoc Motorcycles, LLC
521 Fifth Avenue
New York, New York 10175
(212) 682-0020